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MAY 25 2005

In re Application of:
Guy Colinart et al.
Serial No.: 09/776,688
Filed: February 6, 2001
Attorney Docket No.: 202720US2

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is a decision on the request for withdrawal of abandonment filed on June 30, 2003 and refiled on May 17, 2004. It is being treated as a petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181. There is no fee for this petition.

The petition is **GRANTED**.

Although the date was left blank on the Notice of Abandonment, the application was held abandoned for failure to file a proper response to the Office action mailed on September 12, 2002. The Notice of Abandonment was mailed on May 19, 2003.

Petitioner asserts that a response to the Office action was timely filed on February 12, 2003. To support this assertion, petitioner has submitted a copy of the response (a transmittal sheet, an amendment and a petition for a two month extension of time) and a copy of a stamped return postcard which properly identifies and acknowledges receipt of the response by the Patent and Trademark Office (PTO) on February 12, 2003.

A review of the application file record reveals that the response having been acknowledged on the stamped return postcard as being received in the PTO on February 12, 2003 is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO. Accordingly, it is concluded that the response was timely received but lost after receipt thereof.

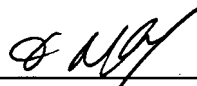
For the above stated reason, the petition is granted. The Notice of Abandonment mailed May 19, 2003 is hereby **VACATED** and the holding of abandonment is withdrawn.

The copy of the response filed with the petition is accepted since the response originally

submitted is lost. It is noted that a check to cover the fees for the two month extension of time and the extra independent claim added by the amendment was received on February 12, 2003 and posted on February 13, 2003.

The application file is being forwarded to the Technology Center 2800 support staff for entry of the amendment. The application file will then be forwarded to the examiner for prompt appropriate action.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.


Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components